

Docket No. 1982-0142P
Appl. No. 09/496,266
Amendment dated May 13, 2004
Reply to Office Action of February 13, 2004
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REMARKS

Claims 1-20 are pending in the present application. Claims 2, 5, 6 and 11 have been amended. Claims 1 and 9 are independent. The specification has been amended. Reconsideration of this application, as amended, is respectfully requested.

Objection to the Specification

The specification stands objected to since the title is not descriptive. As the Examiner will note, the title has been amended to "PHOTOGRAPHING APPARATUS FOR CORRECTING WHITE BALANCE OF AN IMAGE SIGNAL AND A COLOR CORRECTION COEFFICIENT OF IMAGE DATA". It is believed that the title is now sufficiently descriptive. Accordingly, reconsideration and withdrawal of the specification objection are respectfully requested.

Rejection Under 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner points out that claim 5 depends upon claim 3 which conflicts with the limitation of a rotating device for moving the charts into and out of the optical axis as recited in claim 3. As the Examiner will note, claim 5 has been amended to depend from claim 2.

Accordingly, it is believed that claim 5 is now in proper form. Reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph are therefore respectively requested.

Rejection Under 35 U.S.C. § 103

Claims 1, 2, 6, 9-11, 13, 16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakata et al., USPN 5,119,178 in view of Sakai et al., USPN 5,453,853. This rejection is respectfully traversed.

The present invention is directed to a photographing apparatus, wherein a combination of elements are recited in independent claim 1 including "a correction device which corrects a color correction coefficient of image data obtained by said photographing apparatus, on the basis of image data obtained by photographing an achromatic color portion of a subject by said picture-taking device through the chromatic color portion of said chart and on the basis of the color reproduction target value stored in said storage device." In addition, independent claim 9 recites a combination of elements including "a correction device which corrects a white balance of an image signal obtained by photographing by said picture-taking device, on the basis of an image signal obtained by photographing an achromatic color portion of a subject by said picture-taking device through at least one of the chromatic color portion and the achromatic color portion of said chart."

With the structure according to independent claims 1 and 9, it is possible to obtain a photographing apparatus for which a user need not provide a special-purpose, separate chart, and which can correct the white balance of an image signal, and which can carry out correction of the color correction coefficient, which is appropriate for the light source. Applicant respectfully submits that the references relied on by the Examiner are insufficient to teach or suggest the presently claimed invention.

Referring to the Examiner's Office Action, the Examiner modifies the Sakata et al. device in view of Sakai et al. in order to arrive at the presently claimed invention. Applicant respectfully submits that the modification proposed by the Examiner would not have been obvious to one having ordinary skill in the art.

Sakata et al. discloses a video camera with a manual color balance adjusting option. The camera of Sakata et al. includes an automatic mode and a manual mode for correcting the color balance. The color-bar chart 14 is used in the manual mode. As recognized by the Examiner, the Sakata et al. reference fails to disclose a transmission type chart as recited in independent claims 1 and 9 of the present invention. However, the Examiner modifies the Sakata et al. device to have a transmission type chart in view of the teachings of Sakai et al. Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness.

Referring to the Sakai et al. reference, this reference does disclose a transmission type chart 4. However, the chart 4 is not used for color correction of the image data to

ensure that an image has the correct color balance in different light as in the present invention and the Sakata et al. reference. In view of this, Applicant submits that one having ordinary skill in the art would not look to Sakai et al. for the solution to any problem associated with the Sakata et al. device.

In Sakai et al., the color chart 4 is used to make a color printing original plate by using a color video signal. The color chart 4 is photographed by the video camera 1 or the still camera 2. The color chart 4 is also scanned by the scanner 6. The four color separation data from the camera and scanner are then compared to obtain correction data to enable the original plate to be made from the color video signal without the necessity of manual adjustment. There is no disclosure in Sakai et al. that the color correction is to make up for differences in light as in the present invention and Sakata et al. The color correction in Sakai et al. is to make up for poor color quality of a video image when compared to a scanned image.

In the Examiner's Office Action, the Examiner states that it would be obvious to use a transmissive type color chart as disclosed by Sakai et al. "so that ambient light can be used in the color correction process." Applicant submits that this is insufficient motivation to modify Sakata et al. to include a transmissive color chart, since Sakata et al. provides no indication that the color correction process cannot occur in ambient light, and no advantage of using ambient light has been provided by the Examiner or the Sakai et al. reference. In addition, the Examiner states that "since the color chart is transmissive, the color correction

would be based upon the light of an achromatic subject passing through the color chart." Applicant submits that this is also insufficient to disclose the recitation "photographing an achromatic color portion of a subject by said picture taking device" as recited in independent claims 1 and 9 of the present invention. In the Sakata et al. and Sakai et al. references, there is no disclosure that an achromatic color portion of a subject is photographed. Accordingly, Applicant submits that the Examiner's Office Action is improper for this reason as well.

With regard to dependent claims 2, 6, 10, 11, 13, 16 and 18, Applicant respectfully submits that these claims are allowable due to their respective dependence upon allowable independent claims 1 and 9, as well as due to the additional recitations in these claims.

With specific regard to dependent claims 2 and 11, as the Examiner will note, these claims have been amended to differentiate over the Examiner's interpretation of a user being the moving device. Accordingly, claims 2 and 11 are additionally allowable for this reason.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1, 2, 6, 9-11, 13, 16 and 18 clearly define the present invention over the references relied on by the Examiner. Accordingly, it is requested that the Examiner reconsider and withdrawal the rejection under 35 U.S.C. § 103.

Allowable Subject Matter

Claim 5 has been indicated by the Examiner as being allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. In addition, claims 3-4, 7, 8, 12, 14, 15, 17, 19 and 20 have been indicated by the Examiner as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant greatly appreciates the indication of allowable subject matter by the Examiner. However, for the reasons mentioned above, it is believed that independent claims 1 and 9 define the present invention over the references relied on by the Examiner. Accordingly, these claims have not been rewritten in independent form at this time.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of- the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

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In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)